Presented By: Rana Jabir Abbas

ENGLISH TRANSLATION WITH ARABIC TEXT

# WASA'IL AL-SHIA VOL. 22

## SECTION 8

## Li'an (Mutual Cursing/Sworn Allegations)

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HADITH COMPILED BY

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# *Section 8*

## *Li'an (Mutual Cursing/Sworn Allegations)*

## CHAPTER 1

### Regarding Its Manner And A Summary Of Its Rulings

### [ Hadith 28902 to 28910 ]

**Hadith 28902**

عن عبد الرحمن بن الحجّاج، قال: إن عباد البصري سأل أبا عبدالله (عليه السلام) ـ وأنا عنده حاضر ـ كيف يلاعن الرجل المرأة؟

From Abd al-Rahman ibn al-Hajjaj, he said: Abbad al-Basri asked Abu Abdullah (peace be upon him) - while I was present with him - How does a man invoke mutual cursing (li'an) with his wife?

فقال: إن رجلا من المسلمين أتى رسول الله (صلى الله عليه وآله)، فقال: يا رسول الله ! أرأيت لو أن رجلا دخل منزله، فرأى مع امرأته رجلا يجامعها، ما كان يصنع؟ فأعرض عنه رسول الله (صلى الله عليه وآله)، فانصرف الرجل، وكان ذلك الرجل هو الذي ابتلى بذلك من امرأته،

He said: A man from among the Muslims came to the Messenger of Allah (may Allah's peace and blessings be upon him and his family) and said: O Messenger of Allah! What do you think - if a man entered his house and saw a man having intercourse with his wife, what should he do? The Messenger of Allah (may Allah's peace and blessings be upon him and his family) turned away from him, so the man departed. That man was the one who had been afflicted with this situation regarding his wife.

قال: فنزل الوحي من عند الله عزّ وجلّ بالحكم فيها، قال: فأرسل رسول الله (صلى الله عليه وآله) إلى ذلك الرجل، فدعاه فقال: أنت الذي رأيت مع امرأتك رجلا؟ فقال: نعم، فقال له: انطلق فايتني بامرأتك، فان الله عزّ وجلّ قد أنزل الحكم فيك وفيها،

He said: Then revelation came down from Allah, the Mighty and Majestic, with the ruling concerning it. He said: So the Messenger of Allah (may Allah's peace and blessings be upon him and his family) sent for that man and called him and said: Are you the one who saw a man with your wife? He said: Yes. So he said to him: Go and bring me your wife, for Allah, the Mighty and Majestic, has revealed the ruling concerning you and her.

قال: فأحضرها زوجها فوقفها رسول الله (صلى الله عليه وآله) وقال للزوج: اشهد أربع شهادات بالله انك لمن لصادقين فيما رميتها به، قال: فشهد،

He said: So her husband brought her, and the Messenger of Allah (may Allah's peace and blessings be upon him and his family) made her stand and said to the husband: Bear witness four times by Allah that you are indeed truthful in what you have accused her of. He said: So he bore witness.

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قال: ثمّ قال رسول الله (صلى الله عليه وآله): أمسك ووعظه، ثمّ قال: اتق الله فإن لعنة الله شديدة، ثمّ قال: اشهد الخامسة أن لعنة الله عليك إن كنت من الكاذبين، قال: فشهد فأمر به فنحي،

He said: Then the Messenger of Allah (may Allah's peace and blessings be upon him and his family) said: Stop, and he admonished him, then said: Fear Allah, for Allah's curse is severe. Then he said: Bear witness the fifth time that Allah's curse be upon you if you are among the liars. He said: So he bore witness, then he ordered him to be moved aside.

ثمّ قال (عليه السلام) للمرأة: اشهدي أربع شهادات بالله ان زوجك لمن الكاذبين فيما رماك به، قال: فشهدت ثمّ قال لها: امسكي، فوعظها، ثمّ قال لها: اتقي الله، فان غضب الله شديد، ثمّ قال لها: اشهدي الخامسة أن غضب الله عليك إن كان زوجك من الصادقين فيما رماك به، قال: فشهدت،

Then he (peace be upon him) said to the woman: Bear witness four times by Allah that your husband is among the liars in what he has accused you of. He said: So she bore witness. Then he said to her: Stop, and he admonished her, then said to her: Fear Allah, for Allah's wrath is severe. Then he said to her: Bear witness the fifth time that Allah's wrath be upon you if your husband is among the truthful in what he has accused you of. He said: So she bore witness.

قال: ففرق بينهما، وقال لهما: لاتجتمعا بنكاح أبدا بعد، ما تلاعنتما.

He said: Then he separated between them and said to them: You two shall never come together in marriage again after you have invoked mutual cursing.

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### Hadith 28903

عن البزنطيّ، أنّه سأل أبا الحسن الرضا (عليه السلام)، فقال له: أصلحك الله كيف الملاعنة؟ قال: يقعد الامام ويجعل ظهره إلى القبلة ويجعل الرجل عن يمينه، والمرأة والصبي عن يساره.

From al-Bazanti, that he asked Abu al-Hasan al-Rida (peace be upon him) and said to him: May Allah grant you righteousness, how is the mutual cursing performed? He said: The Imam sits and places his back toward the qibla, and places the man on his right, and the woman and the child on his left.

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### Hadith 28904

قال: وفي خبر آخر، ثمّ يقوم الرجل فيحلف أربع مرات بالله انه لمن الصادقين فيما رماها به، ثمّ يقول له الامام: اتق الله، فان لعنة الله شديدة، ثمّ يقول الرجل: لعنة الله عليه إن كان من الكاذبين فيما رماها به،

He said: And in another report, then the man stands and swears four times by Allah that he is among the truthful in what he accused her of, then the Imam says to him: Fear Allah, for Allah's curse is severe, then the man says: May Allah's curse be upon him if he is among the liars in what he accused her of.

ثمّ تقوم المرأة فتحلف أربع مرات بالله انه لمن الكاذبين فيما رماها به، ثمّ يقول لها الامام: اتقي الله، فان غضب الله شديد، ثمّ تقول المرأة: غضب الله عليها إن كان من الصادقين فيما رماها به.

Then the woman stands and swears four times by Allah that he is among the liars in what he

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accused her of, then the Imam says to her: Fear Allah, for Allah's wrath is severe, then the woman says: May Allah's wrath be upon her if he is among the truthful in what he accused her of.

فان نكلت رجمت، ويكون الرجم من ورائها ولا ترجم من وجهها، لان الضرب والرجم لا يصيبان الوجه، يضربان على الجسد على الاعضاء كلّها، ويتّقي الوجه والفرج،

If she refuses, she is stoned, and the stoning is from behind her and she is not stoned from her face, because beating and stoning do not strike the face - they strike the body on all the limbs, and the face and private parts are avoided.

وإذا كانت المرأة حبلى لم ترجم، وإن لم تنكل درأ عنها الحد وهو الرجم، ثمّ يفرّق بينهما ولا تحل له أبدا، وإن دعا أحد ولدها: ابن الزانية جلد الحد،

If the woman is pregnant, she is not stoned. If she does not refuse, the punishment which is stoning is averted from her, then they are separated and she is never lawful for him again. If anyone calls one of their children "son of an adulteress," he receives the hadd punishment.

فان ادعى الرجل الولد بعد الملاعنة نسب إليه ولده، ولم ترجع إليه امرأته، فان مات الاب ورثه الابن وإن مات الابن، لم يرثه الاب، ويكون ميراثه لامه، فان لم يكن له ام فميراثه لاخواله، ولم يرثه أحد من قبل الاب، وإذا قذف الرجل امرأته وهي خرساء فرق بينهما،

If the man claims the child after the mutual cursing, the child is attributed to him and his wife does not return to him. If the father dies, the son inherits from him, but if the son dies, the father does not inherit from him, and his inheritance goes to his mother. If he has no mother, then his inheritance goes to his maternal uncles, and no one from the father's side inherits from him. When a man accuses his mute wife, they are separated.

والعبد إذا قذف امرأته تلاعنا كما يتلاعن الاحرار، ويكون اللعان بين الحر والحرة وبين المملوك والحرة، وبين الحر والمملوكة، وبين العبد والامة، وبين المسلم واليهودية والنصرانية.

When a slave accuses his wife, they perform mutual cursing just as free people do mutual cursing, and mutual cursing occurs between a free man and free woman, between a slave and free woman, between a free man and slave woman, between a slave and slave woman, and between a Muslim and a Jewish or Christian woman.

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## Hadith 28905

عن محمّد بن مسلم، قال: سألت أبا جعفر (عليه السلام) عن الملاعن والملاعنة، كيف يصنعان؟ قال: يجلس الامام مستدبر القبلة، يقيمهما بين يديه مستقبل القبلة بحذائه، ويبدأ بالرجل ثمّ المرأة، والتي يجب عليها الرجم ترجم من ورائها، ولا ترجم من وجهها، لان الضرب والرجم لا يصيبان الوجه، يضربان على الجسد على الاعضاء كلها.

From Muhammad ibn Muslim, he said: I asked Abu Ja'far (peace be upon him) about the one who curses and the one who is cursed, how do they proceed? He said: The Imam sits with his back to the qibla, he places them in front of him facing the qibla opposite him, and he begins with the man then the woman. The one upon whom stoning is obligatory is stoned from behind, and is not stoned from her face, because beating and stoning do not strike the face - they strike the body on all

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the limbs.

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### Hadith 28906

عن أحمد بن محمّد بن أبي نصر، قال: سألت أبا الحسن الرضا (عليه السلام)، كيف الملاعنة؟ فقال: يقعد الامام ويجعل ظهره إلى القبلة، ويجعل الرجل عن يمينه، والمرأة عن يساره.

From Ahmad ibn Muhammad ibn Abi Nasr, he said: I asked Abu al-Hasan al-Rida (peace be upon him), how is the mutual cursing? He said: The Imam sits and places his back to the qibla, and places the man on his right and the woman on his left.

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### Hadith 28907

عن العمركي بن علي، عن علي بن جعفر عن أخيه أبي الحسن (عليه السلام) ـ في حديث ـ قال: سألته عن الملاعنة، قائما يلاعن أم قاعدا؟ قال: الملاعنة وما أشبهها من قيام.

From al-Amraki ibn Ali, from Ali ibn Ja'far, from his brother Abu al-Hasan (peace be upon him) - in a hadith - he said: I asked him about li'an (mutual cursing), should it be done standing or sitting? He said: Li'an and similar matters should be done standing.

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### Hadith 28908

عن زرارة، قال: سئل أبو عبدالله (عليه السلام) عن قول الله عزّ وجلّ: (والذين يرمون أزواجهم ولم يكن لهم شهداء إلا أنفسهم)،

From Zurarah, he said: Abu Abdullah (peace be upon him) was asked about the saying of Allah, Mighty and Glorious: "And those who accuse their wives and have no witnesses except themselves [Quran, 24:6]."

قال: هو القاذف الذي يقذف امرأته، فإذا قذفها ثمّ أقر أنه كذب عليها جلد الحد، وردت إليه امرأته، وإن أبى إلا أن يمضي فيشهد عليها أربع شهادات بالله انه لمن الصادقين، والخامسة يلعن فيها نفسه إن كان من الكاذبين،

He said: This refers to the accuser who accuses his wife. If he accuses her then admits that he lied about her, he is given the prescribed punishment and his wife is returned to him. If he refuses except to proceed and testify against her four testimonies by Allah that he is among the truthful, and in the fifth he curses himself if he is among the liars.

وإن أرادت أن تدرأ عن نفسها العذاب ـ والعذاب: هو الرجم ـ شهدت أربع شهادات بالله انه لمن الكاذبين، والخامسة أن غضب الله عليها إن كان من الصادقين، فإن لم تفعل رجمت وإن فعلت درأت عن نفسها الحد، ثمّ لا تحل له إلى يوم القيامة،

And if she wants to avert the punishment from herself - and the punishment is stoning - she testifies four testimonies by Allah that he is among the liars, and in the fifth that Allah's wrath be upon her if he is among the truthful. If she does not do this, she is stoned, and if she does it, she averts the prescribed punishment from herself. Then she is not lawful for him until the Day of Judgment.

قلت: أرأيت إن فرق بينهما ولها ولد فمات، قال: ترثه أمّه، فان ماتت امه ورثه أخواله، ومن قال: إنه ولد زنا جلد الحد، قلت: يرد

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إليه الولد إذا أقرّ به؟ قال: لا، ولا كرامة، ولا يرث الابن ويرثه الابن.

I said: What do you think if they are separated and she has a child who dies? He said: His mother inherits him, and if his mother dies, his maternal uncles inherit him. Whoever says he is a child of adultery is given the prescribed punishment. I said: Is the child returned to him if he acknowledges him? He said: No, absolutely not. The son does not inherit him, but he inherits the son.

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### Hadith 28909

عن الفضيل، قال: سألته عن رجل افترى على امرأته قال: يلاعنها فان أبى أن يلاعنها جلد الحد وردت إليه امرأته، وإن لاعنها فرّق بينهما، ولم تحل له إلى يوم القيامة.

From al-Fudayl, he said: I asked him about a man who slandered his wife. He said: He performs li'an with her. If he refuses to perform li'an with her, he is given the prescribed punishment and his wife is returned to him. If he performs li'an with her, they are separated and she is not lawful for him until the Day of Judgment.

والملاعنة أن يشهد عليها أربع شهادات بالله اني رأيتك تزنين، والخامسة يلعن نفسه إن كان من الكاذبين، فان أقرت رجمت، وإن أرادت أن تدرأ عنها العذاب شهدت أربع شهادات بالله انه لمن الكاذبين، والخامسة أن غضب الله عليها إن كان من الصادقين،

Li'an is that he testifies against her four testimonies by Allah: I saw you committing adultery, and in the fifth he curses himself if he is among the liars. If she confesses, she is stoned. If she wants to avert the punishment from herself, she testifies four testimonies by Allah that he is among the liars, and in the fifth that Allah's wrath be upon her if he is among the truthful.

فان كان انتفى من ولدها الحق بأخواله يرثونه، ولا يرثهم إلا أن يرث امه، فان سماه أحد ولد زنا جلد الذي يسميه الحد.

If he had disowned her child, it belongs to the maternal uncles who inherit it, and it does not inherit them except that it inherits its mother. If anyone calls it a child of adultery, the one who calls it that is given the prescribed punishment.

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### Hadith 28910

علي بن الحسين المرتضى في رسالة (المحكم والمتشابه): نقلا من (تفسير) النعماني بإسناده الآتي عن علي (عليه السلام)، قال: إن رسول الله (صلى الله عليه وآله) لما رجع من غزاة تبوك قام إليه عويمر بن الحارث، فقال: إن امرأتي زنت بشريك بن السمحاط، فأعرض عنه، فأعاد إليه القول، فأعرض عنه، فأعاد عليه ثالثة، فقام، ودخل،

Ali ibn al-Husayn al-Murtada in his treatise "Al-Muhkam wa al-Mutashabih": Narrating from the Tafsir of al-Nu'mani with the following chain of narration from Ali (peace be upon him), who said: When the Messenger of Allah (may Allah bless him and his family) returned from the expedition of Tabuk, Uwaymir ibn al-Harith stood up to him and said: My wife has committed adultery with Sharik ibn al-Samhat. So he (the Prophet) turned away from him. He repeated his statement to him, so he turned away from him. He repeated it to him a third time, so he stood up and went inside.

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فنزل اللعان، فخرج إليه، وقال: ائتني بأهلك، فقد أنزل الله فيكما قرآنا، فمضى، فأتاه بأهله، وأتى معها قومها، فوافوا رسول الله (صلى الله عليه وآله)، وهو يصلّي العصر، فلما فرغ أقبل عليهما وقال لهما: تقدما إلى المنبر فلاعنا،

Then the verses of mutual cursing (li'an) were revealed, so he came out to him and said: Bring me your wife, for Allah has revealed Quran concerning both of you. So he went and brought his wife, and her people came with her. They all came to the Messenger of Allah (may Allah bless him and his family) while he was praying the afternoon prayer. When he finished, he turned to them both and said to them: Come forward to the pulpit and perform mutual cursing.

فتقدم عويمر إلى المنبر فتلا عليها رسول الله (صلى الله عليه وآله) آية اللعان (والذين يرمون أزواجهم) الآية فشهد بالله أربع شهادات انه لمن الصادقين، والخامسة أن غضب الله عليه إن كان من الكاذبين،

So Uwaymir came forward to the pulpit, and the Messenger of Allah (may Allah bless him and his family) recited to her the verse of mutual cursing: "And those who accuse their wives" [Quran, 24:6] the verse. So he testified by Allah four testimonies that he was indeed among the truthful, and the fifth that the wrath of Allah be upon him if he was among the liars.

ثمّ شهدت بالله أربع شهادات انه لمن الكاذبين فيما رماها به، فقال لها رسول الله (صلى الله عليه واله): العني نفسك الخامسة، فشهدت وقالت في الخامسة: ان غضب الله عليها إن كان من الصادقين فيما رماها به،

Then she testified by Allah four testimonies that he was indeed among the liars in what he accused her of. So the Messenger of Allah (may Allah bless him and his family) said to her: Curse yourself in the fifth. So she testified and said in the fifth: That the wrath of Allah be upon her if he was among the truthful in what he accused her of.

فقال لهما رسول الله (صلى الله عليه واله): اذهبا فلن يحل لك، ولن تحلي له أبداً.

So the Messenger of Allah (may Allah bless him and his family) said to them both: Go, for you will never be lawful to her, and she will never be lawful to you, ever.

فقال عويمر: يا رسول الله ! فالذي أعطيتها، فقال: إن كنت صادقا فهو لها بما استحللت من فرجها، وإن كنت كاذبا فهو أبعد لك منه.

So Uwaymir said: O Messenger of Allah! What about what I gave her? He said: If you were truthful, then it is hers in exchange for what you made lawful of her private parts, and if you were lying, then it is even further from you than that.

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# CHAPTER 2

## That Li'an (Mutual Cursing) Does Not Occur Except After Consummation, And The Ruling On Seclusion. If He Accuses Her Before This, The Punishment Is Imposed Upon Him, And They Are Not Separated

[ Hadith 28911 to 28918 ]

### Hadith 28911

عن العمركي بن علي، عن علي بن جعفر، عن أخيه أبي الحسن (عليه السلام) ـ في حديث ـ قال: سألته عن رجل طلق امرأته قبل أن يدخل بها، فادعت أنها حامل؟

From al-Umarki ibn Ali, from Ali ibn Ja'far, from his brother Abu al-Hasan (peace be upon him) - in a hadith - he said: I asked him about a man who divorced his wife before consummating the marriage with her, and she claimed that she was pregnant.

فقال: إن أقامت البينة على أنه أرخى عليها ستراً، ثمّ أنكر الولد لاعنها، ثمّ بانت منه، وعليه المهر كملا.

He said: If she establishes proof that he lowered a curtain over her, then he denied the child, he performs li'an with her, then she becomes separated from him, and he owes her the full dower.

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### Hadith 28912

عن عبد الكريم، عن ابي بصير، عن أبي عبدالله (عليه السلام)، قال: لا يقع اللعان حتى يدخل الرجل بأهله.

From Abu Basir, from Abu Abdullah (peace be upon him), he said: Li'an does not occur until the man consummates the marriage with his wife.

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### Hadith 28913

عن ابن أبي عمير عن بعض أصحابه، قال: قلت لابي عبدالله (عليه السلام): الرجل يقذف امرأته قبل أن يدخل بها، قال: يضرب الحد، ويخلى بينه وبينها.

From Ibn Abi Umayr, from some of his companions, he said: I said to Abu Abdullah (peace be upon him): A man who accuses his wife before consummating the marriage with her. He said: He is given the punishment, and he is left alone with her.

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### Hadith 28914

عن محمّد بن مضارب، عن أبي عبدالله (عليه السلام)، قال: من قذف امرأته قبل أن يدخل بها جلد الحدّ، وهي امرأته. عن ابن مضارب مثله، إلاّ أنه قال: ضرب الحد.

From Muhammad ibn Mudarib, from Abu Abdullah (peace be upon him), who said: Whoever accuses his wife of adultery before consummating the marriage with her is given the prescribed punishment by lashing, and she remains his wife. From Ibn Mudarib similarly, except that he said: he is given the prescribed punishment by beating.

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### Hadith 28915

عن محمّد ابن مسلم، عن أبي جعفر (عليه السلام) قال: لا تكون الملاعنة ولا الايلاء إلا بعد الدخول.

From Muhammad ibn Muslim, from Abu Ja'far (peace be upon him) who said: There is no mutual cursing (mula'ana) nor oath of abstinence (ila) except after consummation.

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### Hadith 28916

عن أبي بصير، عن أبي عبدالله (عليه السلام)، قال: لا يقع اللعان حتى يدخل الرجل بامرأته.

From Abu Basir, from Abu Abdullah (peace be upon him), who said: The mutual cursing does not take place until the man consummates his marriage with his wife. The hadith.

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### Hadith 28917

عن أبي بصير ـ يعني: المرادي ـ عن أبي عبدالله (عليه السلام)، قال: سألته عن رجل تزوج امرأة غائبة لم يرها، فقذفها؟ فقال: يجلد.

From Abu Basir - meaning: al-Muradi - from Abu Abdullah, peace be upon him, he said: I asked him about a man who married a woman while she was absent and he had not seen her, then he accused her of adultery. He said: He is to be flogged.

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### Hadith 28918

عن محمّد بن مضارب، قال: قلت لابي عبدالله (عليه السلام): ما تقول في رجل لاعن امرأته قبل أن يدخل بها؟ قال: لا يكون ملاعنا (إلاّ بعد أن) يدخل بها يضرب حدّاً، وهي امرأته، ويكون قاذفا.

From Muhammad ibn Mudarib, he said: I said to Abu Abdullah, peace be upon him: What do you say about a man who performs li'an with his wife before consummating the marriage with her? He said: There is no li'an except after he consummates the marriage with her. He is struck with the prescribed punishment, and she remains his wife, and he is considered an accuser.

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# CHAPTER 3

## The One Who Withdraws Before Completing The Mutual Cursing (Li'an), Or Retracts His Accusation, Whether Man Or Woman, He Is Given The Prescribed Punishment, And They Are Not Separated

[ Hadith 28919 to 28921 ]

### Hadith 28919

عن عباد بن صهيب، عن أبي عبدالله (عليه السلام) في رجل أوقفه الامام للّعان فشهد شهادتين ثمّ نكل، وأكذب نفسه قبل أن يفرغ من اللعان، قال: يجلد حدّ القاذف، ولا يفرّق بينه وبين امرأته.

From Abbad ibn Suhayb, from Abu Abdullah (peace be upon him) regarding a man whom the Imam brought forward for mutual cursing, and he testified twice then withdrew and retracted his accusation before completing the mutual cursing. He said: He is given the punishment prescribed for a false accuser, and he is not separated from his wife.

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### Hadith 28920

عن الحلبي، عن أبي عبدالله (عليه السلام) ـ في حديث ـ انه سئل عن الرجل يقذف امرأته؟ قال: يلاعنها، ثمّ يفرق بينهما، فلا تحل له أبدا، فان أقر على نفسه قبل الملاعنة جلد حداً، وهي امرأته.

From al-Halabi, from Abu Abdullah (peace be upon him) - in a hadith - that he was asked about a man who falsely accuses his wife. He said: He performs mutual cursing with her, then they are separated and she is never lawful for him again. But if he confesses against himself before the mutual cursing, he is given the prescribed punishment, and she remains his wife.

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### Hadith 28921

عن علي بن جعفر، عن أخيه أبي الحسن (عليه السلام)، قال: سألته عن رجل لاعن امرأته، فحلف أربع شهادات بالله، ثمّ نكل في الخامسة؟ فقال: إن نكل عن الخامسة فهي امرأته وجلد، وإن نكلت المرأة عن ذلك إذا كانت اليمين عليها فعليها مثل ذلك.

From Ali ibn Ja'far, from his brother Abu al-Hasan (peace be upon him), he said: I asked him about a man who performs li'an with his wife, and he swears four testimonial oaths by Allah, then refuses to take the fifth oath? He said: If he refuses the fifth oath, then she remains his wife and he is lashed. And if the woman refuses when the oath is upon her, then upon her is the same.

ورواه الحميري في (قرب الإسناد) عن عبدالله بن الحسن، عن جده علي بن جعفر، وزاد وقال: الملاعنة وما أشبهها من قيام.

Al-Himyari narrated it in Qurb al-Isnad from Abdullah ibn al-Hasan, from his grandfather Ali ibn Ja'far, and added: He said: Li'an and what resembles it should be performed while standing.

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# CHAPTER 4

## Whoever Accuses His Wife Of Adultery, The Mutual Cursing (Li'an) Is Not Established Between Them Until He Claims To Have Witnessed The Adultery. If He Does Not Make Such A Claim, The Legal Punishment Is Incumbent Upon Him Along With The Absence Of Evidence And No Mutual Cursing. Likewise If Someone Other Than The Husband From Among Relatives Or Strangers Accuses Her.

[ Hadith 28922 to 28927 ]

### Hadith 28922

عن أبي بصير، عن أبي عبدالله (عليه السلام)، أنّه قال في الرجل يقذف امرأته: يجلد، ثمّ يخلى بينهما، ولا يلاعنها حتى يقول: انه قد رأى بين رجليها من يفجر بها.

From Abu Basir, from Abu Abdullah (peace be upon him), that he said regarding a man who accuses his wife of adultery: He is flogged, then they are left together, and he does not perform mutual cursing with her until he says that he has seen between her legs someone committing adultery with her.

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### Hadith 28923

عن محمّد بن مسلم قال: سألته عن رجل يقذف امرأته، قال: يجلد، ثمّ يخلى بينهما، ولا يلاعنها حتّى يقول: أشهد أني رأيتك تفعلين كذا وكذا. 28923

From Muhammad ibn Muslim who said: I asked him about a man who slanders his wife. He said: He is flogged, then they are left together, and he does not perform mutual cursing with her until he says: I bear witness that I saw you doing such and such.

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### Hadith 28924

عن أبان، عن أبي عبدالله (عليه السلام)، قال: لا يكون لعان حتّى يزعم أنه قد عاين.

From Aban, from Abu Abdullah (peace be upon him), he said: There is no mutual cursing until he claims that he has witnessed it.

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### Hadith 28925

عن الحلبي، عن أبي عبدالله (عليه السلام)، قال: إذا قذف الرجل امرأته فانه لا يلاعنها حتى يقول: رأيت بين رجليها رجلا يزني بها.

From al-Halabi, from Abu Abdullah (peace be upon him), he said: When a man accuses his wife of adultery, he does not engage in li'an (mutual cursing) with her until he says: I saw a man between her legs committing adultery with her.

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## Hadith 28926

عن محمّد بن سليمان، عن أبي جعفر الثاني (عليه السلام)، قال: قلت له: كيف صار الرجل إذا قذف امرأته كانت شهادته أربع شهادات بالله، وإذا قذفها غيره أب أو أخ أو ولد أو غريب جلد الحدّ، أو يقيم البينة على ما قال؟

From Muhammad ibn Sulayman, from Abu Ja'far the Second (peace be upon him), he said: I said to him: How is it that when a man accuses his wife of adultery, his testimony becomes four testimonies by Allah, but when someone else accuses her - whether a father, brother, son, or stranger - he is subjected to the prescribed punishment unless he produces evidence for what he said?

فقال: قد سئل أبو جعفر عن ذلك، فقال: إن الزوج إذا قذف امرأته فقال: رأيت ذلك بعيني، كانت شهادته أربع شهادات بالله، وإذا قال: إنه لم يره قيل له: أقم البينة على ما قلت، وإلا كان بمنزلة غيره، وذلك ان الله تعالى جعل للزوج مدخلا لا يدخله غيره والد ولا ولد، يدخله بالليل والنهار، فجاز له أن يقول: رأيت، ولو قال غيره: رأيت، قيل له: وما أدخلك المدخل الذي ترى هذا فيه وحدك؟ أنت متّهم، فلا بد من أن يقيم عليك الحد الذي أوجبه الله عليك.

He replied: Abu Ja'far was asked about this, and he said: When a husband accuses his wife and says "I saw this with my own eyes," his testimony becomes four testimonies by Allah. But when he says "I did not see it," it is said to him: "Produce evidence for what you claimed, otherwise you are in the same position as others." This is because Allah the Exalted has granted the husband access that no one else has - neither father nor son - he enters by night and day. Therefore, it is permissible for him to say "I saw." But if someone else said "I saw," it would be said to him: "What gave you access to the place where you could see this when you are alone? You are suspect, so the prescribed punishment that Allah has imposed upon you must be carried out."

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## Hadith 28927

عن محمّد بن أسلم الجبلي، عن بعض أصحابه، عن الرضا (عليه السلام) نحوه، وزاد: وإنما صارت شهادة الزوج أربع شهادات بالله : لمكان الاربعة الشهداء، مكان كلّ شاهد يمين.

From Muhammad ibn Aslam al-Jabali, from some of his companions, from al-Rida (peace be upon him), similarly, and he added: The husband's testimony only became four testimonies by Allah to take the place of the four witnesses - an oath taking the place of each witness.

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# CHAPTER 5

## The Establishment Of Li'an (Mutual Cursing) Between A Free Man And An Enslaved Wife, Between An Enslaved Man And A Free Woman, Between A Male Slave And Female Slave, And Between A Muslim And A Dhimmi Woman, But Not Between A Free Man And His Own Female Slave

[ Hadith 28928 to 28942 ]

### Hadith 28928

عن الحلبي، عن أبي عبدالله (عليه السلام) ـ في حديث ـ قال: سألته عن المرأة الحرة يقذفها زوجها وهو مملوك؟ قال: يلاعنها، وعن الحر تحته أمة فيقذفها قال: يلاعنها.

From al-Halabi, from Abu Abdullah (peace be upon him) - in a hadith - he said: I asked him about a free woman whose enslaved husband accuses her of adultery. He said: He performs li'an with her. And about a free man who has a female slave under him (as wife) and accuses her of adultery, he said: He performs li'an with her.

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### Hadith 28929

عن جميل بن دراج، عن أبي عبدالله (عليه السلام)، قال: سألته عن الحر، بينه وبين المملوكة لعان؟ فقال: نعم، وبين المملوك والحرة، وبين العبد والامة، وبين المسلم واليهودية والنصرانية، ولا يتوارثان، ولا يتوارث الحرو المملوكة.

From Jameel ibn Darraj, from Abu Abdullah (peace be upon him), he said: I asked him about a free man - is there li'an between him and an enslaved woman? He said: Yes, and between an enslaved man and a free woman, and between a male slave and female slave, and between a Muslim and a Jewish or Christian woman, but they do not inherit from each other, and the free man and enslaved woman do not inherit from each other.

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### Hadith 28930

عن محمّد بن مسلم، عن أحدهما (عليهما السلام)، أنّه سئل عن عبد قذف امرأته، قال: يتلاعنان كما يتلاعن الاحرار.

From Muhammad ibn Muslim, from one of the two Imams (peace be upon them), that he was asked about a slave who accuses his wife of adultery. He said: They perform mutual cursing (li'an) just as free people perform mutual cursing.

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### Hadith 28931

عن ابن سنان، عن أبي عبدالله (عليه السلام)، قال: لا يلاعن الحر الامة، ولا الذمية، والتي يتمتع بها.

From Ibn Sinan, from Abu Abdullah (peace be upon him), he said: A free man does not perform mutual cursing with a slave woman, nor with a dhimmi woman, nor with one whom he enjoys temporarily in marriage.

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أقول: حمله الشيخ والصدوق على الأمة الموطوءة بالملك والذمة المملوكة، وجوز الشيخ حمله على كون الحر تزوج الامة بغير اذن مولاها، وجوز حمله على التقية، لما يأتي.

I (Hurr Amili) say: Al-Shaykh and al-Saduq interpreted this as referring to a slave woman who is approached through ownership and a dhimmi woman who is owned. Al-Shaykh also permitted interpreting it as referring to a free man who married a slave woman without her master's permission, and he permitted interpreting it as taqiyya (precautionary dissimulation), for what will come.

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### Hadith 28932

عن محمّد بن مسلم، قال: سألت أبا جعفر (عليه السلام) عن الحرّ، يلاعن المملوكة، قال: نعم، إذا كان مولاها الذي زوجها إياه.

From Muhammad ibn Muslim, he said: I asked Abu Ja'far (peace be upon him) about a free man performing mutual cursing with an owned woman. He said: Yes, when it is her master who married her to him.

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### Hadith 28933

عن حريز، عن أبي عبدالله (عليه السلام) في العبد، يلاعن الحرة، قال: نعم، إذا كان مولاه زوجه إيّاها لاعنها بأمر مولاه كان ذلك، وقال: بين الحر والامة، والمسلم والذمية لعان.

From Hariz, from Abu Abdullah (peace be upon him) regarding a slave who performs li'an (mutual cursing/oath of condemnation) with a free woman. He said: Yes, if his master married him to her, he performs li'an with her by his master's command, and that is valid. And he said: Between a free man and a slave woman, and between a Muslim and a dhimmi woman, there is li'an.

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### Hadith 28934

عن منصور بن حازم، عن أبي عبدالله (عليه السلام) في عبد قذف امرأته، وهي حرة، قال: يتلاعنان، فقلت: أبمنزلة الحر سواء؟ قال: نعم.

From Mansur ibn Hazim, from Abu Abdullah (peace be upon him) regarding a slave who accused his wife of adultery, while she is free. He said: They perform li'an with each other. So I said: Is he in the same position as a free man? He said: Yes.

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### Hadith 28935

عن محمّد، عن أحدهما (عليهما السلام)، قال: سألته عن الحرّ، يلاعن المملوكة؟ قال: نعم.

From Muhammad, from one of them (peace be upon both of them). He said: I asked him about a free man performing li'an with a slave woman. He said: Yes.

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### Hadith 28936

عن منصور بن حازم، عن أبي عبدالله (عليه السلام)، قال: قلت له: مملوك كان تحته حرة، فقذفها، فقال: ما يقول فيها أهل الكوفة؟ قلت: (يقولون): يجلد، قال: لا، ولكن يلاعنها كما يلاعن الحرة.

From Mansur ibn Hazim, from Abu Abdullah (peace be upon him), he said: I said to him: A slave who had a free woman under him (as wife), and he accused her (of adultery). He said: What do the people of Kufa say about this? I said: They say he should be flogged. He said: No, but he should perform mutual cursing (li'an) with her just as a free man performs mutual cursing.

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### Hadith 28937

عن هشام بن سالم، عن أبي عبدالله (عليه السلام)، قال: سألته عن المرأة الحرة يقذفها زوجها وهو مملوك، والحر تكون تحته المملوكة فيقذفها؟ قال: يلاعنها.

From Hisham ibn Salim, from Abu Abdullah (peace be upon him), he said: I asked him about a free woman whose husband accuses her (of adultery) while he is a slave, and about a free man who has a slave woman under him and accuses her? He said: He performs mutual cursing with her.

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### Hadith 28938

ن العمركي، عن علي بن جعفر، عن أخيه موسى بن جعفر (عليه السلام)، قال: سألته عن رجل مسلم تحته يهودية، أو نصرانية، أو أمة نفي ولدها وقذفها، هل عليه لعان؟ قال: لا. أقول: حمله الشيخ على من أقر بالولد ثمّ نفاه، ويحتمل الحمل على ما مر.

From al-Amarki, from Ali ibn Ja'far, from his brother Musa ibn Ja'far (peace be upon him), he said: I asked him about a Muslim man who has under him a Jewish woman, or a Christian woman, or a slave woman, and he denies her child and accuses her - is there mutual cursing upon him? He said: No. I (Hurr Amili) say: The Shaykh interpreted this as referring to one who acknowledged the child then denied it, and it is possible to interpret it according to what has been mentioned previously.

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### Hadith 28939

عن إسماعيل بن أبي زياد، جعفر، عن أبيه: أن عليا (عليه السلام) قال: ليس بين خمس من النساء وأزواجهن ملاعنة: اليهودية تكون تحت المسلم فيقذفها والنصرانية، والامة تكون تحت الحر فيقذفها، والحرة تكون تحت العبد فيقذفها، والمجلود في الفرية، لانّ الله يقول: (ولا تقبلوا لهم شهادة أبداً)، والخرساء ليس بينها وبين زوجها لعان، إنما اللعان باللسان. قال الشيخ: قد مضى الكلام على أمثال هذا الخبر.

From Isma'il ibn Abi Ziyad, from Ja'far, from his father: that Ali (peace be upon him) said: There is no mutual cursing (li'an) between five types of women and their husbands: the Jewish woman who is under a Muslim man when he accuses her of adultery, and the Christian woman, and the slave woman who is under a free man when he accuses her, and the free woman who is under a slave when he accuses her, and one who has been flogged for false accusation, because Allah says: [Quran, 24:4] "and never accept their testimony again", and the mute woman - there is no mutual

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cursing between her and her husband, for mutual cursing is only done with the tongue. The Shaykh said: Discussion has already passed regarding similar reports to this.

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### Hadith 28940

عن الحسين بن علوان، عن جعفر بن محمّد، عن أبيه، عن علي (عليهم السلام)، قال: أربع ليس بينهم لعان، ليس بين الحر والمملوكة، ولا بين الحرة والمملوك، ولا بين المسلم واليهودية والنصرانية لعان.

From al-Husayn ibn Alwan, from Ja'far ibn Muhammad, from his father, from Ali (peace be upon them), he said: Four types have no mutual cursing between them: there is no mutual cursing between the free man and the slave woman, nor between the free woman and the slave, nor between the Muslim and the Jewish or Christian woman.

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### Hadith 28941

عن عبدالله بن الحسن، عن علي بن جعفر، عن أخيه، قال: سألته عن رجل مسلم تحته يهودية أو نصرانية فقذفها، هل عليه لعان؟ قال: لا. ورواه علي بن جعفر في كتابه، إلا أنه قال: نفى ولدها وقذفها.

From Abdullah ibn al-Hasan, from Ali ibn Ja'far, from his brother, he said: I asked him about a Muslim man who has a Jewish or Christian wife under him and he accuses her of adultery - is there mutual cursing upon him? He said: No. Ali ibn Ja'far narrated it in his book, except that he said: he denied her child and accused her.

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### Hadith 28942

محمّد بن إدريس في (آخر السرائر): نقلا من كتاب المشيخة للحسن بن محبوب، عن أبي ولاد الحنّاط، قال: سئل أبو عبدالله (عليه السلام) عن نصرانية تحت مسلم، زنت، وجاءت بولد فأنكره المسلم؟ قال: فقال: يلاعنها، قيل: فالولد ما يصنع به؟ قال: هو مع امّه، ويفرق بينهما، ولا تحلّ له أبداً.

Muhammad ibn Idris in (the end of al-Sara'ir): transmitted from the book al-Mashyakha by al-Hasan ibn Mahbub, from Abu Wallad al-Hannat, who said: Abu Abdullah (peace be upon him) was asked about a Christian woman married to a Muslim who committed adultery and gave birth to a child, but the Muslim denied it was his? He said: He should invoke mutual cursing (li'an) against her. It was asked: What should be done with the child? He said: It stays with its mother, they are separated, and she is never lawful for him again.

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## CHAPTER 6

### Regarding One Who Acknowledges A Child Or Contradicts Himself After Li'an (Mutual Cursing), The Prescribed Punishment (Hadd) Is Not Required Of Him, The Woman Does Not Become Lawful For Him, The Child Is Attributed To Him And Inherits From Him, But The Father Does Not Inherit From The Child. Rather, His Mother And Maternal Uncles Inherit From Him.

[ Hadith 28943 to 28949 ]

**Hadith 28943**

عن الحلبي، عن أبي عبدالله (عليه السلام) ـ في حديث ـ قال: سألته عن الملاعنة التي يقذفها زوجها، وينتفي من ولدها، فيلاعنها ويفارقها، ثمّ يقول بعد ذلك: الولد ولدي، ويكذب نفسه؟

From al-Halabi, from Abu Abdullah (peace be upon him) - in a hadith - he said: I asked him about a woman involved in li'an whose husband accuses her of adultery and disavows her child, so he performs li'an with her and separates from her, then after that he says: The child is my child, and contradicts himself?

فقال: أما المرأة فلا ترجع إليه، وأما الولد فاني أرده عليه إذا ادعاه ولا أدع ولده، وليس له ميراث، ويرث الابن الاب، ولا يرث الأب الابن، يكون ميراثه لاخواله، فان لم يدعه أبوه فان أخواله يرثونه ولا يرثهم فان دعاه أحد ابن الزانية جلد الحد.

He said: As for the woman, she does not return to him. As for the child, I attribute him to the father when he claims him and I do not leave his child abandoned. He has no inheritance rights (the father from the child), and the son inherits from the father, but the father does not inherit from the son. His inheritance goes to his maternal uncles. If his father does not claim him, then his maternal uncles inherit from him but he does not inherit from them. If someone calls him "son of an adulteress," the prescribed punishment of lashing is applied.

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**Hadith 28944**

عن الحلبيّ، عن أبي عبدالله (عليه السلام) في رجل لاعن امرأته وهي حبلى، ثمّ ادعى ولدها بعد ما ولدت، وزعم أنه منه، قال: يرد إليه الولد، ولا يجلد ؛ لأنّه قد مضى التلاعن.

From al-Halabi, from Abu Abdullah (peace be upon him) regarding a man who performed li'an with his wife while she was pregnant, then claimed her child after she gave birth, alleging that it was from him. He said: The child is attributed to him, and he is not lashed, because the li'an has already taken place.

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### Hadith 28945

عن عبدالله بن سنان، عن أبي عبدالله (عليه السلام)، قال: إذا قذف الرجل امرأته، ثمّ أكذب نفسه جلد الحد، وكانت امرأته، وإن لم يكذب نفسه تلاعنا، وفرّق بينهما.

From Abdullah ibn Sinan, from Abu Abdullah (peace be upon him), who said: If a man accuses his wife (of adultery), then retracts his accusation, he is flogged with the prescribed punishment, and she remains his wife. But if he does not retract his accusation, they perform mutual cursing (li'an), and they are separated.

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### Hadith 28946

عن الحلبي، قال: سألت أبا عبدالله (عليه السلام) عن رجل لاعن امرأته، وهي حبلى قد استبان حملها، وأنكر ما في بطنها، فلما وضعت ادّعاه، وأقرّ به، وزعم أنه منه، قال: فقال: يرد إليه ولده، ويرثه، ولا يجلد ؛ لانّ اللعان قد مضى.

From al-Halabi, who said: I asked Abu Abdullah (peace be upon him) about a man who performed mutual cursing with his wife while she was pregnant and her pregnancy was apparent, and he denied what was in her womb. Then when she gave birth, he claimed the child and acknowledged it, asserting that it was his. He said: His child is returned to him, and he inherits from him, and he is not flogged, because the mutual cursing has already taken place.

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### Hadith 28947

عن أبي الصباح الكناني، عن أبي عبدالله (عليه السلام)، قال: سألته عن رجل لاعن امرأته، وانتفى من ولدها، ثمّ أكذب نفسه بعد الملاعنة، وزعم أن الولد ولده، هل يرد عليه ولده؟ قال: لا، ولا كرامة، لا يردّ عليه، ولا تحل له إلى يوم القيامة.

From Abu al-Sabah al-Kinani, from Abu Abdullah (peace be upon him), who said: I asked him about a man who performed mutual cursing with his wife and disavowed her child, then retracted his statement after the mutual cursing and claimed that the child was his. Does his child get returned to him? He said: No, and no honor to him! It is not returned to him, and she is not lawful for him until the Day of Judgment.

قال الشيخ: يعني لا يلحق به لحوقا صحيحاً، يرثه ويرثه أبوه ؛ لما مضى ويأتي.

The Sheikh said: This means the child is not attached to him with proper attachment - he inherits from him and his father inherits from him, according to what has passed and what is to come.

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### Hadith 28948

عن محمّد بن الفضيل، عن أبي الحسن (عليه السلام)، قال: سألته عن رجل لاعن امرأته، وانتفى من ولدها، ثمّ أكذب نفسه، هل يرد عليه ولده؟ فقال: إذا أكذب نفسه جلد الحدّ، وردّ عليه ابنه، ولا ترجع إليه امرأته أبدا.

From Muhammad ibn al-Fadil, from Abi al-Hasan (peace be upon him), he said: I asked him about a man who performed li'an (mutual cursing) with his wife and denied paternity of her child, then later falsified himself. Would his child be returned to him? He said: If he falsifies himself, he is given the legal punishment and his son is returned to him, but his wife never returns to him.

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أقول: حمله الشيخ على ما إذا أكذب نفسه قبل اللعان، ويمكن حمل الحد على التعزير، والحاق الولد بمعنى: أنّه يرث أباه، ولا يرثه أبوه، وهذا أقرب.

I (Hurr Amili) say: The Shaykh interpreted this as applying to when he falsifies himself before the li'an, and it is possible to interpret the legal punishment as discretionary punishment (ta'zir), and the attachment of the child means that he inherits from his father, but his father does not inherit from him, and this is more likely.

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### Hadith 28949

عن أبي بصير، عن أبي عبدالله (عليه السلام) قال: سألته عن ابن الملاعنة، من يرثه؟ فقال: امه وعصبة امه، قلت: أرأيت إن ادعاه أبوه بعدما قد لاعنها؟ قال: أرده عليه ؛ من أجل إن الولد ليس له أحد يوارثه، ولا تحل له امه إلى يوم القيامة.

From Abi Basir, from Abi Abdullah (peace be upon him), he said: I asked him about the child of li'an - who inherits from him? He said: His mother and his mother's relatives. I said: What do you think if his father claims him after he has already performed li'an with her? He said: I would return him to him, because the child has no one else to inherit from him, and his mother is not lawful for him until the Day of Judgment.

أقول: وتقدم ما يدل على ذلك، ويأتي ما يدل عليه في الميراث إن شاء الله.

I (Hurr Amili) say: What indicates this has been mentioned previously, and what indicates it will come in the section on inheritance, God willing.

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# CHAPTER 7

## Whoever Acknowledges One Of Twins Cannot Be Accepted In Denying The Other, And That Li'an (Mutual Cursing) Is Established During The Waiting Period

[ Hadith 28950 to 28951 ]

### Hadith 28950

عن أبي البختري، عن جعفر، عن أبيه: أنه رفع إلى علي (عليه السلام) أمر امرأة ولدت جارية وغلاما في بطن، وكان زوجها غائباً، فأراد أن يقر بواحد، وينفي الآخر، فقال: ليس ذاك له، إما أن يقربهما جميعا، وإما أن ينكرهما جميعا.

From Abi al-Bakhtari, from Ja'far, from his father: That a matter was brought to Ali (peace be upon him) concerning a woman who gave birth to a girl and a boy in one pregnancy, while her husband was absent. He wanted to acknowledge one and deny the other. So he (Ali) said: That is not for him to do. Either he acknowledges both of them together, or he denies both of them together.

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### Hadith 28951

وعن عبدالله بن الحسن، عن علي بن جعفر، عن أخيه موسى بن جعفر (عليه السلام)، قال: سألته، عن رجل قذف امرأته، ثمّ طلقها، فطلبت بعد الطلاق قذفه إياها؟ فقال إن هو أقر جلد، وإن كانت في عدتها لاعنها.

And from Abdullah ibn al-Hasan, from Ali ibn Ja'far, from his brother Musa ibn Ja'far (peace be upon him), he said: I asked him about a man who accused his wife (of adultery), then divorced her. After the divorce, she sought (legal action) for his accusation against her. He said: If he confesses, he is flogged. And if she was in her waiting period, he performs li'an with her.

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# CHAPTER 8

## Non-establishment Of Li'an (Mutual Cursing) By Slandering A Mute Woman, A Deaf Woman, Or A Deaf Man, And The Establishment Of Permanent Prohibition By Mere Slander

[ Hadith 28952 to 28955 ]

### Hadith 28952

عن الحلبي، ومحمّد بن مسلم، عن أبي عبدالله (عليه السلام) في رجل قذف امرأته وهي خرساء، قال: يفرق بينهما.

From al-Halabi and Muhammad ibn Muslim, from Abu Abdullah (peace be upon him) regarding a man who slandered his wife while she was mute. He said: They are to be separated.

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### Hadith 28953

عن أبي بصير، قال: سئل أبو عبدالله (عليه السلام) عن رجل قذف امرأته بالزنا، وهي خرساء صماء لا تسمع ما قال، قال: إن كان لها بينة فشهدت عند الامام جلد الحدّ، وفرّق بينها وبينه، ثمّ لا تحل له أبدا، وإن لم يكن لها بينة فهي حرام عليه ما أقام معها، ولا إثمّ عليها منه.

From Abu Basir, he said: Abu Abdullah (peace be upon him) was asked about a man who accused his wife of adultery while she was mute and deaf, unable to hear what he said. He said: If she has witnesses who testify before the imam, then the prescribed punishment is applied by lashing, and they are separated, and then she is never lawful for him again. But if she has no witnesses, then she is forbidden to him as long as he remains with her, and there is no sin upon her from him.

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### Hadith 28954

عن الحسن، عن بعض أصحابه، عن أبي عبدالله (عليه السلام) في امرأة قذفت زوجها وهو أصم، قال: يفرق بينها وبينه، ولا تحل له أبدا.

From al-Hasan, from some of his companions, from Abu Abdullah (peace be upon him) regarding a woman who slandered her husband while he is deaf, he said: They are separated from each other, and she is never lawful for him again.

ورواه الشيخ بإسناده عن الحسن بن محبوب، وكذا الذي قبله، إلا أنّه قال: وهي خرساء أو صماء.

The Shaykh narrated it through his chain from al-Hasan ibn Mahbub, as well as the one before it, except that he said: while she is mute or deaf.

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### Hadith 28955

عن محمّد بن مروان، عن أبي عبدالله (عليه السلام) في المرأة الخرساء، كيف يلاعنها زوجها؟ قال: يفرّق بينهما، ولا تحلّ له أبدا.

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From Muhammad ibn Marwan, from Abu Abdullah (peace be upon him) regarding the mute woman - how does her husband perform mutual cursing (li'an) with her? He said: They are separated from each other, and she is never lawful for him again.

و عن أحمد بن محمّد بن أبي نصر مثله، إلا أنه قال في المرأة الخرساء: يقذفها زوجها.

And from Ahmad ibn Muhammad ibn Abi Nasr, similarly, except that he said regarding the mute woman: her husband slanders her.

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# CHAPTER 9

## Li'an (Mutual Cursing) Is Only Established By Denying Paternity Of A Child, Or Accusation Of Adultery With Claim Of Witnessing, And It Is Not Permissible To Deny Paternity When There Is Possibility (Of It Being His), Even If The Woman Is Suspected

[ Hadith 28956 to 28958 ]

### Hadith 28956

عن محمّد بن مسلم، عن أحدهما (عليهما السلام)، قال: لا يكون اللعان إلا بنفي ولد، وقال: إذا قذف الرجل امرأته لاعنها.

From Muhammad ibn Muslim, from one of the two Imams (peace be upon them both), he said: There is no li'an except by denying a child, and he said: When a man accuses his wife of adultery, he performs li'an with her.

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### Hadith 28957

عن أبي بصير، عن أبي عبدالله (عليه السلام)، قال: لا يقع اللعان حتى يدخل الرجل بامرأته، ولا يكون اللعان إلا بنفي الولد.

From Abu Basir, from Abu Abdullah (peace be upon him), he said: Li'an does not occur until a man has consummated marriage with his wife, and there is no li'an except by denying a child.

أقول: حمله الشيخ على أنه لا يكون اللعان إذا قذفها، ولم يدّع المعاينة، إلا بنفي الولد ؛ لما تقدم هنا، وفي كيفية اللعان وغيره، ولما يأتي.

I (Hurr Amili) say: The Shaykh interpreted this to mean that there is no li'an when he accuses her without claiming to have witnessed it, except by denying a child, based on what was mentioned earlier here, in the chapter on the manner of li'an and elsewhere, and what will come later.

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### Hadith 28958

عن سعيد الاعرج، عن أبي عبدالله (عليه السلام)، قال: قلت له: الرجل يتزوج المرأة ليست بمأمونة، تدعي الحمل، قال: ليصبر ؛ لقول رسول الله (صلى الله عليه وآله): الولد للفراش، وللعاهر الحجر.

From Sa'id al-A'raj, from Abu Abdullah (peace be upon him), he said: I said to him: A man marries a woman who is not trustworthy, and she claims to be pregnant. He said: Let him be patient, due to the saying of the Messenger of Allah (may Allah bless him and his family): The child belongs to the bed, and for the adulterer is the stone.

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# CHAPTER 10

## Non-Establishment Of Li'an (Mutual Cursing) Between The Husband And The Woman In Temporary Marriage

[ Hadith 28959 to 28960 ]

### Hadith 28959

عن العلاء بن رزين، عن ابن أبي يعفور، عن أبي عبدالله (عليه السلام)، قال: لا يلاعن الرجل المرأة التي يتمتع منها.

From al-Ala ibn Razin, from Ibn Abi Ya'fur, from Abu Abdullah (peace be upon him), who said: A man does not perform li'an with a woman whom he enjoys in temporary marriage.

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### Hadith 28960

عن ابن سنان، عن أبي عبدالله (عليه السلام)، قال: لا يلاعن الحر الامة، ولا الذميّة، ولا التي يتمتع بها.

From Ibn Sinan, from Abu Abdullah (peace be upon him), who said: The free man does not perform li'an with the slave woman, nor with the dhimmi woman, nor with the one he enjoys in temporary marriage.

أقول: تقدم الوجه في حكم الامة والذمية، وتقدم ما يدل على المقصود في المتعة.

I (Hurr Amili) say: The reasoning regarding the ruling on the slave woman and dhimmi woman has been mentioned previously, and what indicates the intended meaning regarding temporary marriage has also been mentioned previously.

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# CHAPTER 11

## Non-Establishment Of Li'an (Mutual Cursing) By The Accusation Of One Who Has Been Flogged For False Accusation

[ Hadith 28961 to 28961 ]

### Hadith 28961

عن السكوني، عن جعفر، عن أبيه، عن علي (عليهم السلام)، قال: ليس بين خمس من النساء وبين أزواجهن ملاعنة. ـ إلى أن قال: ـ والمجلود في الفرية ؛ لان الله تعالى يقول: (ولا تقبلوا لهم شهادة أبدا).

From al-Sakuni, from Ja'far, from his father, from Ali (peace be upon them), he said: There is no li'an between five types of women and their husbands - until he said - and the one who has been flogged for false accusation, because Allah the Exalted says: "And never accept their testimony ever again [Quran, 24:4]."

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# CHAPTER 12

## The Ruling On Four Witnesses Testifying Against A Woman For Adultery, One Of Whom Is Her Husband

[ Hadith 28962 to 28965 ]

### Hadith 28962

عن إبراهيم بن نعيم، عن أبي عبدالله (عليه السلام)، قال: سألته عن أربعة شهدوا على امرأة بالزنا، أحدهم زوجها، قال: تجوز شهادتهم.

From Ibrahim ibn Nu'aym, from Abu Abdullah (peace be upon him), he said: I asked him about four who testified against a woman for adultery, one of whom was her husband. He said: Their testimony is valid.

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### Hadith 28963

عن أحمد بن محمّد بن عيسى، عن (إسماعيل بن خراش)، عن زرارة، عن أحدهما (عليهما السلام) في أربعة شهدوا على امرأة بالزنا أحدهم زوجها، قال: يلاعن الزوج ويجلد الآخرون.

From Ahmad ibn Muhammad ibn Isa, from Isma'il ibn Kharrash, from Zurarah, from one of them (peace be upon both of them) regarding four who testified against a woman for adultery, one of whom was her husband. He said: The husband performs li'an (mutual cursing) and the others are flogged.

أقول: رجح الشيخ وجماعة الخبر الأوّل لموافقته لظاهر القرآن في قوله: (والذين يرمون أزواجهم ولم يكن لهم شهداء إلا أنفسهم) والاحاديث الآتية الدالة على ثبوت الزنا بشهادة أربع مطلقا وغير ذلك وحملوا هذا على فسق الشهود أو بعضهم، ويمكن الحمل على عدم الدخول، أو على عدم دعوى المعاينة أو نحو ذلك : لما مرّ.

I (Hurr Amili) say: The Sheikh and a group of scholars gave preference to the first report because it conforms to the apparent meaning of the Quran in His saying: "And those who accuse their wives and have no witnesses except themselves [Quran, 24:6]," and the coming hadiths that indicate the establishment of adultery by the testimony of four absolutely, and other considerations. They interpreted the second hadith as referring to the corruption of the witnesses or some of them. It is also possible to interpret it as referring to cases where consummation has not occurred, or where direct witnessing is not claimed, or similar circumstances, as has been mentioned previously.

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### Hadith 28964

عن أبي سيار مسمع، عن أبي عبدالله (عليه السلام) في أربعة شهدوا على امرأة بفجور، أحدهم زوجها، قال: يجلدون الثلاثة، ويلاعنها زوجها، ويفرق بينهما، ولا تحلّ له أبداً.

From Abu Sayar Musma, from Abu Abdullah (peace be upon him) regarding four who testified against a woman for adultery, one of them being her husband. He said: The three are to be flogged,

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her husband performs li'an with her, they are separated, and she is never lawful for him again.

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### Hadith 28965

قال الصدوق: وقد روي أن الزوج أحد الشهود. أقول: قد عرفت وجهه.

Al-Saduq said: It has been narrated that the husband is one of the witnesses. I (Hurr Amili) say: You have known its aspect.

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# CHAPTER 13

## Establishment Of Li'an (Mutual Cursing) Between A Pregnant Woman And Her Husband When He Accuses Her Of Adultery Or Denies Her Child, But She Is Not To Be Stoned If She Refuses The Oath Until She Gives Birth

[ Hadith 28966 to 28968 ]

### Hadith 28966

عن الحلبي، عن أبي عبدالله (عليه السلام)، أنه سأله عن رجل لاعن امرأته وهي حبلى، وقد استبان حملها وأنكر ما في بطنها، فلما وضعت ادعاه، وأقرّ به، وزعم أنه منه، فقال: يرد عليه ولده، ويرثه ولا يجلد ؛ لانّ اللعان بينهما قد مضى.

Al-Halabi narrated from Abu Abdullah (peace be upon him) that he was asked about a man who performed li'an with his wife while she was pregnant, and her pregnancy was evident, and he denied what was in her womb. Then when she gave birth, he claimed the child and acknowledged it, asserting that it was his. He said: The child is returned to him and inherits from him, and he is not to be flogged, because the li'an between them has already taken place.

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### Hadith 28967

عن سماعة بن مهران، عن أبي عبدالله (عليه السلام)، قال: إذا كانت المرأة حبلى لم ترجم.

From Sama'ah ibn Mihran, from Abu Abdullah (peace be upon him), he said: If the woman is pregnant, she is not to be stoned.

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### Hadith 28968

عن أبي بصير، عن أبي عبدالله (عليه السلام)، قال: كان أمير المؤمنين (عليه السلام) يلاعن في كل حال، إلا أن تكون حاملا.

From Abu Basir, from Abu Abdullah (peace be upon him), who said: Amir al-Muminin (peace be upon him) would conduct the li'an (mutual cursing) in every circumstance, except when she was pregnant.

قال الشيخ: يعني: لا يقيم عليها الحد إن نكلت ؛ لما مرّ، وقد تقدم ما يدل على المقصود.

The Sheikh said: Meaning: He would not carry out the punishment upon her if she refused, due to what has passed, and what indicates the intended meaning has already been mentioned.

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# CHAPTER 14

## The Inheritance Of A Child Born From Li'an (Mutual Cursing/disavowal) Belongs To His Mother, Or To Those Related Through Her

[ Hadith 28969 to 28970 ]

### Hadith 28969

عن زرارة، عن أبي جعفر (عليه السلام): أن ميراث ولد الملاعنة لامه فان كانت امه ليست بحيّة، فلأقرب الناس من امه لاخواله.

From Zurarah, from Abu Ja'far (peace be upon him): That the inheritance of a child born from li'an belongs to his mother. If his mother is not alive, then it belongs to the closest people to him from his mother's side - his maternal uncles.

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### Hadith 28970

عن أبي بصير، عن أبي عبدالله (عليه السلام) في المرأة يلاعنها زوجها ويفرق بينهما إلى من ينسب ولدها؟ قال: إلى امه.

From Abu Baseer, from Abu Abdullah (peace be upon him) regarding a woman whose husband performs li'an against her and they are separated - to whom is her child attributed? He said: To his mother.

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# CHAPTER 15

## The Ruling On What Happens If A Woman Dies Before The Mutual Cursing (Li'an)

[ Hadith 28971 to 28972 ]

### Hadith 28971

عن أبي بصير، عن أبي عبدالله (عليه السلام) في رجل قذف امرأته، وهي في قرية من القرى، فقال السلطان: مالي بهذا علم عليكم بالكوفة فجاءت إلى القاضي لتلاعن فماتت قبل أن يتلاعنا، فقالوا هؤلاء: لا ميراث لك، فقال أبو عبدالله (عليه السلام): إن قام رجل من أهلها مقامها فلاعنه، فلا ميراث له، وإن أبى أحد من أوليائها أن يقوم مقامها، أخذ الميراث زوجها.

From Abu Basir, from Abu Abdullah (peace be upon him) regarding a man who accused his wife of adultery while she was in a village among the villages. The ruler said: I have no knowledge of this matter - you must go to Kufa. So she came to the judge to perform mutual cursing, but she died before they could perform the mutual cursing. They said to him: You have no inheritance rights. Abu Abdullah (peace be upon him) said: If a man from her family stands in her place and performs the mutual cursing with him, then he has no inheritance rights. But if any of her guardians refuse to stand in her place, then her husband takes the inheritance.

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### Hadith 28972

عن زيد بن علي، عن آبائه، عن علي (عليه السلام) في رجل قذف امرأته، ثمّ خرج، فجاء وقد توفّيت، قال: يخير واحدة من ثنتين، يقال له: إن شئت ألزمت نفسك الذنب، فيقام عليك الحدّ، وتعطى الميراث، وإن شئت أقررت، فلاعنت أدنى قرابتها إليها، ولا ميراث لك.

From Zayd ibn Ali, from his fathers, from Ali (peace be upon him) regarding a man who accused his wife of adultery, then left. He came back to find that she had died. He said: He is given a choice between two options. It is said to him: If you wish, you may burden yourself with the sin, so the prescribed punishment will be carried out upon you, and you will be given the inheritance. And if you wish, you may confess, then perform mutual cursing with her closest relative, and you will have no inheritance rights.

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# CHAPTER 16

## Establishing The Prescribed Punishment For One Who Falsely Accuses A Foundling Or The Child Of Li'an

[ Hadith 28973 to 28973 ]

### Hadith 28973

عن الحسن بن محبوب، عن بعض أصحابنا، عن أبي عبدالله (عليه السلام) في قاذف اللقيط، قال: يحد قاذف اللقيط، ويحد قاذف ابن الملاعنة.

From al-Hasan ibn Mahbub, from some of our companions, from Abu Abdullah (peace be upon him) regarding one who falsely accuses a foundling. He said: The one who falsely accuses a foundling receives the prescribed punishment, and the one who falsely accuses the child of li'an receives the prescribed punishment.

أقول: وتقدم ما يدل على ذلك، ويأتي ما يدل عليه عموماً، وخصوصا.

I (Hurr Amili) say: What has preceded indicates this, and what will come indicates it generally and specifically.

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# CHAPTER 17

## If A Man Says To His Wife: "I Did Not Find You A Virgin," The Oath Of Condemnation (Li'an) Is Not Established Between Them, Rather He Deserves Discretionary Punishment (Ta'zir)

[ Hadith 28974 to 28979 ]

### Hadith 28974

عن زرارة، عن أبي عبدالله (عليه السلام) في رجل قال لامرأته: لم تأتني عذراء، قال: ليس بشيء : لان العذرة تذهب بغير جماع.

From Zurarah, from Abu Abdullah (peace be upon him) regarding a man who said to his wife: "You did not come to me as a virgin." He said: It is nothing, because virginity can be lost without sexual intercourse.

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### Hadith 28975

عن أبي بصير، عن أبي عبدالله (عليه السلام)، قال في رجل قال لامرأته: لم أجدك عذراء، قال: يضرب، قلت: فان عاد، قال: يضرب، فانه يوشك أن ينتهي.

From Abu Basir, from Abu Abdullah (peace be upon him), he said regarding a man who said to his wife: "I did not find you a virgin." He said: He should be struck (punished). I said: What if he repeats it? He said: He should be struck, for he will likely desist.

ورواه الكليني، عن علي بن إبراهيم، عن محمّد بن عيسى بن عبيد، عن يونس، وكذا الذي قبله، وزاد في الثاني قال يونس: يضرب ضرب أدب، ليس بضرب الحدّ، لئلاّ يؤذي امرأة مؤمنة بالتعريض.

Al-Kulayni narrated it from Ali ibn Ibrahim, from Muhammad ibn Isa ibn Ubayd, from Yunus, and likewise the one before it, and he added in the second one that Yunus said: He is struck with disciplinary beating, not the beating of a prescribed punishment (hadd), so as not to harm a believing woman through indirect accusation.

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### Hadith 28976

عن الحلبي، عن أبي عبدالله (عليه السلام) ـ في حديث ـ قال: إذا قال الرجل لامرأته: لم أجدك عذراء، وليس له بيّنة، قال: يجلد الحدّ، ويخلى بينه وبين امرأته، وقال: كانت آية الرجم في القرآن: والشيخ والشيخة فارجموهما البتة بما قضيا الشهوة.

From al-Halabi, from Abu Abdullah (peace be upon him) - in a hadith - he said: If a man says to his wife: I did not find you to be a virgin, and he has no proof, he said: He is given the prescribed punishment (hadd) and is left alone with his wife. And he said: There was a verse of stoning in the Quran: The old man and the old woman, stone them both completely for what they have satisfied of desire.

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أقول: حمل الشيخ وغيره الحد هنا على التعزير ؛ لما مر، ويأتي، وحمله بعضهم على التصريح مع ذلك بالقذف من غير دعوى المعاينة.

I (Hurr Amili) say: The Shaykh and others interpreted the hadd here as discretionary punishment (ta'zir) based on what has passed and what will come, and some of them interpreted it as explicitly stating accusation (qazf) without claiming to have witnessed it.

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### Hadith 28977

عن ابن محبوب، عن أبي عبدالله (عليه السلام) في رجل قال لامرأته بعدما دخل بها: لم أجدك عذراء، قال: لا حد عليه.

From Ibn Mahbub, from Abu Abdullah (peace be upon him) regarding a man who said to his wife after consummating the marriage with her: I did not find you to be a virgin, he said: There is no prescribed punishment (hadd) upon him.

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### Hadith 28978

عن عبدالله بن سنان قال: قال أبو عبدالله (عليه السلام): إذا قال الرجل لامرأته: لم أجدك عذراء، وليست له بيّنة، يجلد الحدّ، ويخلّى بينه وبينها.

From Abdullah ibn Sinan who said: Abu Abdullah (peace be upon him) said: If a man says to his wife: I did not find you a virgin, and he has no evidence, he is flogged the prescribed punishment and he is left with her (meaning they remain married).

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### Hadith 28979

قال الصدوق: وفي خبر آخر أن العذرة قد تسقط من غير جماع، قد تذهب بالنكبة والعثرة والسقطة.

Al-Saduq said: And in another report, that virginity may be lost without intercourse, it may be lost through injury, stumbling, and falling.

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# CHAPTER 18

## Whoever Accuses His Wife After The Mutual Cursing (Li'an), The Legal Punishment Applies To Him, And There Is No (Further) Mutual Cursing

[ Hadith 28980 to 28980 ]

### Hadith 28980

عن أبي بصير، عن ابي عبدالله (عليه السلام)، قال: سألته، عن رجل قذف امرأته فتلاعنا، ثمّ قذفها بعد ما تفرقا أيضا بالزنا عليه حد؟ قال: نعم عليه حد.

From Abu Basir, from Abu Abdullah (peace be upon him), he said: I asked him about a man who accused his wife of adultery, so they performed mutual cursing (li'an), then after they separated he accused her again of adultery - is there a legal punishment upon him? He said: Yes, there is a legal punishment upon him.

Translator: This hadith establishes that once a couple has completed the process of li'an (mutual cursing) following an accusation of adultery, they are permanently separated and divorced. If the husband then makes another accusation of adultery against his former wife, he is subject to the hadd punishment for false accusation (qazf), as the li'an procedure can only be performed once between the same couple and they are no longer married.

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# CHAPTER 19

## Recommendation To Distance Oneself From Those Who Engage In Mutual Cursing (Li'an), And The Ruling On What Happens If She Gives Birth To Less Than Six Months

[ Hadith 28981 to 28981 ]

### Hadith 28981

عن زريق، عن أبي عبدالله (عليه السلام)، قال: إذا تلاعن اثنان فتباعد منهما، فانّ ذلك مجلس تنفر منه الملائكة، ثمّ قال: اللهم لا تجعل لهما إلي مساغاً، واجعلهما برأس من يكايد دينك، ويضاد وليّك، ويسعى في الارض فسادا.

From Zurayq, from Abu Abdullah (peace be upon him), who said: When two people engage in mutual cursing (li'an), then distance yourself from them, for that is a gathering from which the angels flee. Then he said: O Allah, do not grant them access to me, and place them at the head of those who plot against Your religion, oppose Your friend (wali), and strive in the earth with corruption.

أقول: وتقدم ما يدل على تحريم اللعن لغير المستحق، والنهي عن مجالسة أهل المنكر، وتقدم ما يدل على الحكم الثاني في أحكام الأوّلاد في أحاديث أقل الحمل وأكثره.

I (Hurr Amili) say: What has preceded indicates the prohibition of cursing those who do not deserve it, and the prohibition of sitting with people of wrongdoing. And what has preceded indicates the ruling on the second matter in the rulings on children in the hadiths about the minimum and maximum periods of pregnancy.

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